



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred, NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

## **ACTION AGENDA**

Hickory City Council  
76 North Center Street

November 15, 2016  
7:00 p.m.

- I. Call to Order
- II. Invocation by Rev. David Roberts II, Pastor, Morning Star First Baptist Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
  - A. Mr. Bob Wonsick, 4050 Pinecrest Drive NE, Hickory, addressed City Council regarding a right of way issue in Catawba Springs off of Pinecrest Drive.
  - B. Mr. Eddie Bond, 4056 Pinecrest Drive NE, Hickory, addressed City Council regarding a right of way issue in Catawba Springs off of Pinecrest Drive.
  - C. Mr. James Hulley, 3776 Pinecrest Drive NE, Hickory, addressed City Council regarding a right of way issue in Catawba Springs off of Pinecrest Drive.
- VI. Approval of Minutes
  - A** A. Regular Meeting of November 1, 2016. **(Exhibit VI.A.)**
  - A** B. Special Meeting of November 1, 2016. **(Exhibit VI.B.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
  - A2** A. Approval of the Community Relations Council's Fall 2016 Grant Recommendations. **(First Reading Vote: Unanimous)**
  - A2** B. Approval to Award the Contract to Buckeye Bridge, LLC for the Construction of Random Woods Sewer Project in the Amount of \$948,873 and a Contingency in the Amount of \$47,444. **(First Reading Vote: Unanimous)**
  - A2** C. Approval of Change Order 2 with McGill Associates, PA in the Amount of \$44,700 for Engineering Services for Eastwood, Random Woods and Sherwood Forest Subdivisions Sanitary Sewer. **(First Reading Vote: Unanimous)**
  - A2** D. Budget Revision Number 10. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council

Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

- A A. Approval of a Resolution for Building Reuse Grant Application for Project Little Rock for the Former Regal Manufacturing Building Located at 990 3<sup>rd</sup> Avenue SE. **(Exhibit VIII.A.)**

*The City of Hickory desires to assist through grant funding the economic renovation of the former Regal Manufacturing building located at 990 3<sup>rd</sup> Avenue SE, building located in Hickory. The City of Hickory intends to request from North Carolina Department of Commerce Rural Economic Development Division grant assistance for the project from the Building Reuse Program for the "up-fitting" and renovation of the facility. The City of Hickory will provide a minimum five percent match for an estimate \$500,000 grant request, if approve for a grant. Staff recommends City Council authorize the WPCOG to submit an application on behalf of the City of Hickory for a building reuse grant through the Department of Commerce for Project Little Rock.*

- A B. Approval to Ease Parking Enforcement in the Downtown District from November 21, 2016 until January 21, 2017. **(Exhibit VIII.B.)**

*Hickory Downtown Development Association requests Council's approval to ease parking enforcement for the holiday shopping season from November 21, 2016 to January 21, 2017, specifically suspending enforcement of the 2, 3, and 4 hour parking spaces between those dates; however, no vehicle shall be parking in any time restricted space during those dates for a period longer than 24 hours. Most of the parking spaces and lots provided in downtown are public parking. In order to keep parking spaces from being monopolized with cars parking in those spaces for unlimited amounts of time, many have time limits. The goal of parking time limits is to create turnover in spaces and open them up for the next user. The City's support of Hickory Downtown Development Association's request is intended to strengthen the shopping and dining experience in downtown during the holiday season. Staff recommends City Council's approval to ease parking enforcement in the downtown district from November 21, 2016 until January 21, 2017 specifically suspending enforcement of the 2, 3, and 4 hour parking spaces between those dates; however, no vehicle shall be parking in any time restricted space during those dates for a period longer than 24 hours.*

- PH C. Call for a Public Hearing – Voluntary Contiguous Annexation of Elizabeth Hermida Brown Property, Located at 3810 16<sup>th</sup> Street NE, Containing .992 acres. **Authorize Public Hearing for December 6, 2016, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.C.)**

- A D. Special Events Activities Application Salvation Army Bell Ringing, The Salvation Army, Steve Aaron, November 18 through December 24, (occasionally, not every day), 9:00 a.m. to 9:00 p.m., Union Square. **(Exhibit VIII.D.)**

- A E. Approval of a Proclamation for Small Business Saturday, November 26, 2016. **(Exhibit VIII.E.)**

- A F. Citizens' Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.F.)**

*The following request was considered by the Citizens' Advisory Committee at their regular meeting on November 3, 2016.*

- *Rudolph & Priscilla Hoyle, 1174 2<sup>nd</sup> Street Place SE, Hickory, were awarded a City of Hickory's Housing rehabilitation Loan in the amount of \$20,000. Due to plumbing issues, the loan needs to be increased by \$7,000. The interest rate will stay the same at three percent and the term will change to a 15 year term.*

*The following applicants are being recommended for approval for assistance*

*under the City of Hickory's 2016 Urgent Repair Program. This program provides qualified low income citizens with assistance for emergency-related repairs not to exceed \$8,000.*

- James Crowe, 442 10<sup>th</sup> Avenue Drive NE, Hickory
- Luke Crutchfield, 383 17<sup>th</sup> Avenue NE, Hickory (not to exceed \$2,586.00-prior URP applicant)
- Juanita Reid, 236 7<sup>th</sup> Street SW, Hickory (not to exceed \$3,360.00-prior URP applicant)
- Nancy Watts, 1062 5<sup>th</sup> Street NE, Hickory

*The Citizens' Advisory Committee recommends approval of the aforementioned requests for assistance through the City of Hickory's housing assistance programs.*

- A1**      **G.**      Acceptance of a Temporary Construction and Permanent Easement for the Property of Stuart and Alice Knox Described as PIN 3702-06-47-8879 for Installation of Utilities Infrastructure. **(Exhibit VIII.G.)**

*Staff requests acceptance of a temporary construction and permanent easement for the property of Stuart and Alice Knox, described as PIN 3702-06-47-8879 for installation of utilities infrastructure. The easements are necessary for the completion of the Geitner Basin replacement/rehabilitation project. This project is completely funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$3.5 million dollars. The easement was negotiated for a total sum of \$1,500 plus recording fees in exchange for the easement. Staff recommends acceptance of a temporary construction and permanent easement for the property of Stuart and Alice Knox described as PIN 3702-06-47-8879 for installation of utilities infrastructure.*

- A1**      **H.**      Acceptance of a Temporary Construction and Permanent Easement for the Property of Tracy Madina Geter Described as PIN 3702-06-47-9885 and PIN 3702-06-48-9090 for Installation of Utilities Infrastructure. **(Exhibit VIII.H.)**

*Staff requests acceptance of a temporary construction and permanent easement for the property of Tracy Madina Geter described as PIN 3702-06-47-9885 and PIN 3702-06-48-9090 for installation of utilities infrastructure. The easements are necessary for the completion of the Geitner Basin replacement/rehabilitation project. This project is completely funded through a loan to the City as a State Revolving Loan by NCDEQ-IFS in 2016 in the amount of \$3.5 million dollars. The easement was negotiated for a total sum of \$1,300 plus recording fees in exchange for the easement. Staff recommends acceptance of a temporary construction and permanent easement for the property of Tracy Madina Geter described as PIN 3702-06-47-9885 and PIN 3702-06-48-9090 for installation of utilities infrastructure.*

- A1**      **I.**      Budget Revision Number 11. **(Exhibit VIII.I.)**

1. To appropriate a total of \$1,851,574 from the Water and Sewer Fund Balance into the Central Business District Infrastructure Rehabilitation Project (project #803302). This action follows upon the recent bids taken on the project, for which Hickory Sand Company was the low responsible bidder. The bid exceeds the original construction budget of \$2,822,700 due to the current construction climate and the fact that the project now includes conduit for fiber optic utilities in the area to provide service to previously unserved areas, as well as storm drainage work. The majority of the sanitary sewer work will be funded by a NC Infrastructure Finance Section State Revolving Loan of \$1,364,200.

- A**      **J.**      Approval of a Resolution for Conflict of Interest with NC Office of State Budget and Management. **(Exhibit VIII.J.)**

*City Council approved the application of the grant-in-aid with the North Carolina Office of State Budget and Management on October 18, 2016 to mitigate structural damage to*

Highway 70. In order to complete the application for the North Carolina General Assembly authorized grant-in-aid allocation of \$250,000 during the 2016-2017 State fiscal year, the City of Hickory must submit, a policy, ordinance or resolution addressing conflicts of interest that may arise involving the members of the City of Hickory governing body and/or any of its employees or officers involved in the grant or the project. Staff requests Council's approval of the Conflict of Interest Resolution as required by the North Carolina Office of State Budget and Management in order to complete the process of the grant from the North Carolina General Assembly.

- A1**      K.      Approval of the Settlement Offers and Execution of the Releases for TIG Insurance Company, Twin City Fire Insurance Company/Hartford Casualty Insurance Company and Travelers Indemnity/Gulf Insurance. **(Exhibit VIII.K.)**

*In June and August of 2016, Plaintiffs and Defendants mediated the Willie James Grimes v. City of Hickory, et. al ("Underlying Action") complaint and reached a settlement. The general release and agreement released all Defendants (City of Hickory; Floyd Lucas, Tom Adkins, Steve Hunt, and Steve Bryant, in their official and individual capacities). In consideration for the release, the City of Hickory paid a total of \$3,250,000 to Plaintiff Grimes and his attorneys with approximately \$999,350 being paid by the City's insurer National Casualty Company and City of Hickory paying the balance of \$2,250,650. The City of Hickory also agreed to continue pursuing a declaratory judgment action, City of Hickory v. Willie James Grimes, et al. ("Coverage Action"), against other insurers who may have had a duty to defend or provide coverage in the Underlying Action. The City of Hickory agreed to pay Plaintiff Grimes 80 percent of any recovered damages from the named defendants in the Coverage Action.*

*Three of the named insurers in the declaratory judgment action, TIG Insurance Company ("TIG"), Twin City Fire Insurance Company/Hartford Casualty Insurance Company (collectively "Hartford Entities), and Travelers Indemnity/Gulf Insurance ("Travelers/Gulf") have made settlement offers to resolve any and all claims asserted against them by the City in the action. All three insurers asserted various defenses to the City's asserted claims. However, an agreement was reached by Paul Culpepper, the City's insurance coverage counsel, and the three insurers to resolve all of the claims without further litigation.*

*TIG has agreed to pay the City of Hickory a settlement amount of \$1,000. The City of Hickory will pay Grimes \$800 and recover \$200. The Hartford Entities have agreed to pay the City of Hickory a settlement amount of \$5,000; the City of Hickory will pay Grimes \$4,000 and recover \$1,000. Travelers/Gulf has agreed to pay the City of Hickory a settlement amount of \$7,500. The City of Hickory will pay Grimes \$6,000 and the City of Hickory will recover \$1,500. In consideration of the proposed settlement, the City of Hickory and Willie Grimes agree to release all claims against the three named insurers. Upon full execution of the settlement release documents, the City of Hickory will file a dismissal with prejudice of its complaint against the three named insurers. In turn, the Hartford Entities will file a dismissal with prejudice of their counterclaim against the City of Hickory. Staff recommends Council approve the settlement offers and execute the releases for the named insurance carriers in the Coverage Action.*

IX.      Items Removed from Consent Agenda

X.      Informational Item

XI.     New Business:

A.      Public Hearings

B.      Departmental Reports:

- A1**      1.      Acceptance of the Bid and Award of the Contract with Hickory Sand Company, Inc. in the Amount of \$4,674,274 for Sanitary Sewer Improvements for the

Central Business District Rehabilitation Project. **(Exhibit XI.B.1.)**

*The Public Utilities Department identified the Central Business District as some of the oldest infrastructure in the City of Hickory. The infrastructure in this area is estimated to be over 100 years old. The identified area has numerous requests for service based on low pressures, leaks, and discoloration related to waterlines. Site specific inspection of the sanitary sewer system has revealed numerous substantial structural deficiencies and storm drainage infrastructure serving the area structurally deficient and undersized in numerous locations. In March 2015, City Council approved Gavel and Dorn PLLC to complete the design of this project. Design was completed and the project was advertised for bids on September 13, 2016. However, due to insufficient number of bids the project had to be re-advertised for bids and were opened October 4, 2016. Hickory Sand Company, Inc. was on the only bidder on the project with a bid of \$4,674,274.*

*This bid exceeds the original budget due to the current construction climate and the project now includes conduit in the area for fiber optic utilities to provide service to previously unserved areas and additional storm drainage work. Portions of the additional work will be reimbursed by the requesting parties. The project was established on June 27, 2016 with Capital Project Ordinance Amendment 2 with \$2,822,700 for construction. The project will be amended from Water and Sewer Fund Balance to add the \$1,851,574 necessary to complete the project. The majority of necessary sewer work will be funded with a NC Infrastructure Finance Section – State Revolving Loan in the amount of \$1,364,200. The loan portion of this project must be related to sanitary sewer infrastructure as approved in the application previously authorized by City Council on March 17, 2015 with a term of 20 years at 1.66 percent interest.*

*Staff recommends Council's acceptance of the bid and award of the contract with Hickory Sand Company Inc. for the Central Business District waterline, sewer line and storm drainage rehabilitation project in the amount of \$4,674,274 contingent on NCIFS authorization to award for sanitary sewer improvements.*

**A**

**2. Appointments to Boards and Commissions**

**CITIZENS ADVISORY COMMITTEE**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

At-Large (Council Appoints)

VACANT

At-Large (Council Appoints)

VACANT

**COMMUNITY APPEARANCE COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 3 (Seaver Appoints)

VACANT

Ward 4 (Guess Appoints)

VACANT

At-Large (Outside City but within Hickory Regional Planning Area)

(Council Appoints)

VACANT

At Large (Council Appoints)

VACANT

**COMMUNITY RELATIONS COUNCIL**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

**HICKORY REGIONAL PLANNING COMMISSION**

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)

(Appointed by City Council)

Burke County (Mayor to Nominate)

VACANT

**INTERNATIONAL COUNCIL**

(Appointed by Mayor with the Concurrence of City Council)

(4) Positions VACANT

**LIBRARY ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 4 (Guess Appoints)

VACANT

At-Large (Mayor Appoints)

VACANT

**PARKS AND RECREATION COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

At-Large (3) (Council Appoints)

VACANT

**Mayor Wright nominated Kenneth Geathers Jr. as the At-Large (3) Representative on the Parks and Recreation Commission.**

**PUBLIC HOUSING AUTHORITY**

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)

Position 9

VACANT

**RECYCLING ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 2 (Tarlton Appoints)

VACANT

Ward 3 (Seaver Appoints)

VACANT

Ward 4 (Guess Appoints)

VACANT

At-Large (Council Appoints)

VACANT

At-Large (Council Appoints)

VACANT

**Alderman Tarlton nominated Mahesh Patel as the Ward 2 Representative on the Recycling Advisory Board.**

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

St. Stephens High School Representatives

1 Position VACANT

At-Large Representatives

1 Position VACANT

Challenger High School Representative

1 Position VACANT

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

Mayor Wright requested Council discuss the progress of the Bond Projects.

Fire Chief Fred Hollar updated Mayor and Council regarding the fires in South Mountain.

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

Mayor Wright mentioned the Fast Pitch Event which Lenoir-Rhyne University was hosting. The event is a pitch competition for community members. Participants pitch their business ideas. The top five contestants will receive a cash prize of \$200 apiece. The event will take place at the Belk Centrum from 5:00 – 7:30 p.m. The City of Hickory and Crawdads are sponsors.

XIV. Closed Session Per NC General Statutes 143-318.11(a)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

1. Discussion of Litigation – Maeghan Richmond vs Robert George, Vidal Sipe, Frank Pain and City of Hickory, File No. 16CVS2137 - NCGS §143-318.11(a)(3)

2. Discussion of Litigation –Chelsea Doolittle vs. Robert George, Vidal Sipe, Frank Pain and City of Hickory, File No. 16CVS2138 - NCGS §143-318.11(a)(3)

XV. Adjournment

**\*Hickory City Code Section 2-56. Public Address to Council:**

**“When conducting public hearings, considering ordinances and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”**

<p><b>The City of Hickory holds all public meetings in accessible rooms. Special requests for accommodation should be submitted by individuals with disabilities at least 48 hours before the scheduled meeting. Phone Services (hearing impaired) – Call 711 or 1-800-735-2962</b></p>
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